1	BARRY J. PORTMAN		
2	Federal Public Defender CYNTHIA C. LIE		
3	Assistant Federal Public Defender 160 West Santa Clara Street, Suite 575		
4	San Jose, CA 95113 Telephone: (408) 291-7753		
5	Counsel for Defendant SANTOS-GONZALES		
6			
7			
8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10	UNITED STATES OF AMERICA, )	No. CR 08-00371 JW	
11	Plaintiff, )	STIPULATION AND [REOPULED] ORDER CONTINUING HEARING	
12	vs.	ORDER CONTINUING HEARING	
13	HUMBERTO SANTOS-GONZALES, )		
14	Defendants.		
15			
16	STIPULATION		
17	The parties, by and through their respective counsel, hereby stipulate and agree that the		
18	status hearing currently set for Monday, October 5, 2009 may be continued to Monday, October		
19	26, 2009 at 1:30 p.m. The reason for the requested continuance is to permit the parties to finalize		
20	their settlement discussions and to permit Mr. Santos-Gonzales to consult further with defense		
21	counsel.		
22	The parties further stipulate and agree that 21 days may be excluded from the time within		
23	which trial shall commence, as reasonable time necessary for effective preparation of counsel,		
24	taking into account the exercise of due diligence, pursuant to Title 18, United States Code		
25	Section 3161(h)(7)(A) and (h)(7)(B)(iv).		
26			
	Stipulation and [Proposed] Order Continuing		

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Hearing, CR 08-00371 JW

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1	Dated: September 28, 2009		
2	s/		
3	CYNTHIA C. LIE		
4	Assistant Federal Public Defender		
5	Dated: October 1, 2009		
	s/		
6	GRANT P. FONDO Assistant United States Attorney		
7			
8	[PROPUSED] ORDER		
9	Good cause appearing and by stipulation of the parties, it is hereby ordered that the status		
10	hearing of Monday, October 5, 2009 shall be continued to Monday, October 26, 2009 at 1:30		
11	p.m.		
12	The Court further finds, based on the aforementioned reasons, that the ends of justice		
13	served by granting the requested continuance outweigh the interest of the public and the		
14	defendant in a speedy trial, in that the failure to grant the requested continuance would deny		
15	defense counsel reasonable time necessary for effective preparation, taking into account the		
16	exercise of due diligence, and would result in a miscarriage of justice. The Court therefore		
17	concludes that 21 days should be excluded from the time within which trial shall commence		
18	under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).		
19	It is so ordered.		
20			
21	Dated: October 2, 2009		
22			
23	JAMES WARE United States District Judge		
24			
25			
26			